

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRUCE T. MORGAN and
BRIAN P. MERUCCI,

Plaintiffs,

v.

RICK SNYDER and
MARY HOLLINRAKE,

Defendants.

Case No. 1:14-CV-632

HON. GORDON J. QUIST

ORDER STAYING CASE

Pursuant to the Court's December 2, 2014 Order to Show Cause, the parties have filed responses to the Court's inquiry why it should not stay this case pending a decision by the United States Supreme Court on the petitions for writ of certiorari that have been filed following the Sixth Circuit's recent decision in *DeBoer v. Snyder*, 772 F.3d 388 (6th Cir. 2014). Defendants respond that the Court should stay the case, noting that absent a stay, the Sixth Circuit's decision in *DeBoer* would require the Court to dismiss Plaintiffs' claims. Plaintiffs respond that a stay is not appropriate in this case, because the plaintiffs in *DeBoer* are unmarried and seeking the right to marry, while in this case Plaintiffs are married (having been married in New York) but the State of Michigan simply refuses to recognize their out-of-state marriage, in violation of Plaintiffs' fundamental right to marry.

Plaintiffs' argument overlooks the portion of the Sixth Circuit's opinion in *DeBoer* holding that a state does not violate the Constitution by refusing to recognize out-of-state gay and lesbian

marriages. The *Deboer* court stated: “If it is constitutional for a State to define marriage as a relationship between a man and a woman, it is also constitutional for the State to stand by that definition with respect to couples married in other States or countries.” *Id.* at 418. In entering the current stay in August of 2014, the Court cited the fact that one of the consolidated same-sex marriages cases before the Sixth Circuit presented the very same issue that Plaintiffs raise in the instant case. The Sixth Circuit addressed that issue, and its ruling is binding on this Court. Rather than dismissing Plaintiffs’ complaint, however, the Court concludes, for the reasons stated in its August 11, 2014 Order (dkt. # 25), that the stay should remain in effect pending a decision by the Supreme Court on the pending petitions for writ of certiorari in *DeBoer*. Therefore,

IT IS HEREBY ORDERED that the stay entered on August 11, 2014 shall remain in effect pending further order of this Court.

IT IS FURTHER ORDERED that Defendant Snyder’s Motion to Dismiss (dkt. # 14) is **DISMISSED WITHOUT PREJUDICE**.

Dated: December 23, 2014

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE